

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 CENTRAL DISTRICT OF CALIFORNIA

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 JENNIFER MARY WUNDERLIN,

11 Defendant.

NO: 2:17-cr-00450-RHW-1

ORDER GRANTING
CONTINUANCE AND ORDER
MEMORIALIZING COURT'S ORAL
RULINGS

12 A pretrial hearing was held in this matter on December 11, 2017. Defendant
13 Jennifer Mary Wunderlin, who is in custody, was present and represented by
14 Jennifer Uyeda. Assistant United States Attorney Shawn Andrews was present on
15 behalf of the Government. The Court has reviewed the file, has heard from
16 counsel, and is fully informed. This Order is entered to memorialize the oral
17 rulings of the Court.

18 Before the Court is an oral motion to continue by counsel for the defendant
19 regarding (1) continuance of trial date and (2) findings of excludable time periods
20 pursuant to Speedy Trial Act. *See* ECF No. 22. Defense counsel requests a
21 continuance to allow Defendant additional time to see if Defendant can be

ORDER GRANTING CONTINUANCE AND ORDER MEMORIALIZING
COURT'S ORAL RULINGS ~ 1

1 admitted into CASA, or in the alternative, to prepare for trial. The Government
2 does not object to the request for continuance in this matter.

3 The Court finds that the ends of justice served by the granting of a
4 continuance of the trial in this matter outweigh the best interests of the public and
5 Defendant in a speedy trial. A trial date of January 23, 2018, would deprive
6 defense counsel of adequate time to obtain and review discovery and provide
7 effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
8 § 3161(h)(7). Accordingly, **IT IS HEREBY ORDERED:**

9 1. Defendant's motion to continue is **GRANTED**.

10 2. The current trial date of January 23, 2018, is **STRICKEN** and **RESET**
11 to **April 10, 2018**, at **8:45 a.m.** commencing with a **final** pretrial conference at
12 **8:30 a.m.** All hearings shall take place in **Los Angeles**, California.

13 3. A pretrial conference is set for **March 6, 2018**, at **9:00 am**, in Los
14 Angeles, California.

15 4. Courtesy copies may be e-mailed to chambers in Word format to the
16 Court at whaleyorders@waed.uscourts.gov.

17 5. Counsel for defense shall notify Defendant of all hearings and ensure
18 his attendance at court.

19 6. Motions to Expedite, if any, shall be filed separately and noted for
20 hearing two (2) days from the date of filing, after informing opposing counsel of
21 such.

7. Discovery motions, pretrial motions, and motions in limine shall be filed on or before **February 6, 2018**; responses are due **February 13, 2018**; and replies are due **February 20, 2018**. Counsel shall note their motions for hearing at the pretrial conference on **March 6, 2018**.

8. Trial briefs, requested voir dire, witness lists, jointly proposed jury instructions, and a table of proposed jury instructions shall be filed and served on or before **February 6, 2018**.

(a) The jointly proposed jury instructions should address only issues that are unique to this case and shall include instructions regarding the elements of each count, any necessary definitions, and a proposed verdict form.

(b) The parties shall provide the Court electronically with a table of proposed, cited jury instructions. This table shall include:

(i) The instructions on which the parties agree;

(ii) The instructions that are disputed; and

(iii) The basis of any objection.

(iv) The jury instruction table shall be substantially in the following form:

Proposed by	Instruction #	9th Cir. Cite	Objection	Response to objection
-------------	---------------	---------------	-----------	-----------------------

(c) In addition to the jury instruction table, each party shall address any objections they have to instructions proposed by any other party in a

memorandum on or before **February 13, 2018**. The parties shall identify
ORDER GRANTING CONTINUANCE AND ORDER MEMORIALIZING
COURT'S ORAL RULINGS ~ 3

the specific portion of any proposed instruction to which they object supported by legal authority that supports the objection. Failure to file an objection to any instruction may be construed as consent to the adoption of an instruction proposed by another party.

9. *Pretrial Exhibit Stipulation*

(a) The parties shall prepare a pretrial exhibit stipulation that shall contain each party's numbered list of all trial exhibits with the opposing party's objections to each exhibit, including the basis of the objection and the offering party's brief response. All exhibits to which there are no objections shall be deemed admitted, subject to any objections at trial that could not be raised in advance.

(b) The pretrial exhibit stipulation shall be substantially in the following form:

Pretrial Exhibit Stipulation

Plaintiff's/Defendant's Exhibits

Exhibit No.	Description	If Objection, State Grounds	Response to Objection
--------------------	--------------------	----------------------------------------	----------------------------------

(c) The pretrial exhibit stipulation shall be filed on **March 27, 2018**.

Failure to comply with this paragraph could be deemed to constitute a waiver of all objections. Do not submit blanket or boilerplate objections to the opposing party's exhibits. These will be disregarded and overruled.

1 (d) Exhibits shall be pre-marked with the exhibit numbers that will be used
2 at trial. Plaintiff's trial exhibits are to be numbered 1 through 199, and
3 Defendant's exhibits are to be numbered 200 and following.

4 (e) Objections to exhibits and witnesses shall be heard at the final pretrial
5 conference.

6 **10. Trial Procedures**

7 The following procedures shall be utilized at trial:

8 (a) The Court will conduct the majority of jury voir dire but allow counsel
9 fifteen minutes to ask additional questions or to do more in depth
10 exploration of issues raised by the Court;

11 (b) A total of thirteen jurors will be selected. Plaintiff shall have six
12 peremptory challenges, Defendant shall have ten peremptory challenges, and
13 each party shall have one challenge for the alternate juror. Fed. R. Crim. P.
14 24. The challenges shall be exercised alternately;

15 (c) Regular trial hours shall be from 8:30 a.m. to 12:00 noon, and 1:15 to
16 5:00 p.m.;

17 (d) The jurors will be provided with notebooks for note-taking and a copy
18 of preliminary instructions;

19 (e) Documents published to the jury by counsel shall be collected at the
20 conclusion of trial each day or following a witness's testimony regarding the
21 published document;

1 **(f)** A single photograph shall be taken of all witnesses following their
2 testimony for use by the jury to correlate a witness with the testimony he or
3 she provided. The photographs shall be maintained in a three-ring binder by
4 the Court. The photograph will have the witness's name on it and the date
5 of the witness's testimony. The photographs will be provided to the jury to
6 assist them during deliberations. Following deliberations, the photographs
7 will be destroyed by the Court and will not be a part of the record;

8 **(g)** Examination of witnesses shall be limited to direct, cross, redirect and
9 recross. Fed. R. Evid. 611(a);

10 **(h)** Counsel are encouraged to limit requests for sidebars by anticipating
11 legal and evidentiary issues so that the issues may be addressed before trial
12 begins each day, during the lunch hour, or after trial hours;

13 **(i)** During trial, counsel are encouraged to exchange lists of the next day's
14 witnesses and exhibits so that objections or legal issues may be anticipated
15 and resolved outside the normal trial hours;

16 **(j)** Counsel shall have the next witness to be called to testify available
17 outside the courtroom, to avoid delay; and

18 ///

19 ///

20 ///

21 ///

11. All time from the trial date of **January 23, 2018**, to the new trial date of **April 10, 2018**, is **EXCLUDED** for speedy trial calculations pursuant to 18 U.S.C. § 3161(h)(7).

The District Court Clerk is directed to file this Order and provide copies to counsel.

DATED December 13, 2017.

s/ Robert H. Whaley
ROBERT H. WHALEY
Senior United States District Judge